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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

APR 04 2005

**ACTION MEMORANDUM**

DATE: **APR 04 2005**

SUBJECT: Request for a Ceiling Increase for the Removal Action at the J&W Pallet and Drum Service Site in Atlanta, Fulton County, Georgia

FROM: Karen Buerki *KB*  
On-Scene Coordinator

TO: Winston A. Smith, Director  
Waste Management Division

**I. PURPOSE**

The purpose of this Action Memorandum is to request and document approval of a ceiling increase for the removal action described herein for the J&W Pallet and Drum Service Site (the Site) in Atlanta, Fulton County, Georgia. Additional funds are requested to complete the removal and disposal of the hazardous substances. The proposed work is necessary to complete the removal of hazardous substances from this Site. This memo requests an additional \$65,000 which will increase the total site ceiling to \$315,000. The additional funds would come from the FY05 Removal advice of allowance.

**II. SITE CONDITIONS AND BACKGROUND**

A removal action was approved in an Emergency Action Memorandum signed June 25, 2004. On June 22, 2004, the Emergency Response and Removal Branch initiated the removal action. The following activities have been conducted at the Site:

1. Uncontrolled releases of hazardous substances have been secured.
2. All waste has been characterized, bulked and sampled, and waste profiles completed.



3. Most of the dilapidated roof has been removed and connection to the City of Atlanta sewer system has been repaired allowing rainwater to flow to the sewer as opposed to accumulating in and under the facility.
4. Contaminated soil, debris, and RCRA empty drums have been removed and disposed of off-site.
5. The Site has been secured with chainlink fencing and posted to deter trespassing.

The Emergency and Rapid Response Services Contractor (ERRS) is prepared to begin completion of the removal action. The scope of work remaining includes disposal of all hazardous substances secured at the Site. Funds currently available are not sufficient to implement these actions. This ceiling increase is necessary to secure adequate funding.

Due to the unknown content of the thousands of drums and totes and dilapidated condition of the facility, costs were underestimated. Therefore, a ceiling increase is necessary to complete the actions proposed in the original Action Memorandum.

### **III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES**

The threats posed by this Site are detailed in the Action Memorandum dated June 25, 2004 (refer to Attachment A). These threats continue to exist and will worsen if response actions are delayed.

### **IV. ENDANGERMENT DETERMINATION**

Actual or threatened releases of the hazardous substances from this site, if not addressed by implementing the removal action selected in this Action Memorandum, may present an imminent and substantial endangerment to the public health or welfare or the environment.

### **V. PROPOSED ACTIONS AND ESTIMATED COSTS**

#### **A. Proposed Actions**

Proposed actions include the transportation and disposal of hazardous substances to an approved disposal facility. Rental storage tanks will be decontaminated and returned to their vendors.

**B. Estimated Costs**

	Current	Increase	Proposed
START-2	\$ 50,000	\$15,000	\$ 65,000
ERRS	\$200,000	\$35,000	\$235,000
Contingency	\$ 0	\$15,000	\$ 15,000
Total Site Ceiling			\$315,000 <sup>1</sup>

**VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN**

If action is significantly delayed or not taken, hazardous substances contained in tanks and drums could be released to the environment. Since completion of the bulking and securing of the hazardous substances, there is evidence of vandalism at the site. Hazardous substances released could affect the surrounding residents.

**VII. OUTSTANDING POLICY ISSUES**

None.

**VIII. ENFORCEMENT**

No viable PRPs have been identified. If additional information becomes available during the removal action, appropriate enforcement activities will be taken. Susan Hansen, Assistant Regional Counsel, was consulted on the enforcement strategy. The attached Enforcement Addendum describes the enforcement strategy (refer to Attachment B).

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<sup>1</sup>Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

**IX. RECOMMENDATION**

This decision document represents the selected removal action for the J&W Pallet and Drum Service Site in Atlanta, Fulton County, Georgia, and has been developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. The document is based on the administrative record for the Site.

Conditions at the Site meet the NCP section 300.415(b) criteria for a removal and I recommend your approval of the proposed ceiling increase. The total project ceiling, if approved, will be \$315,000. Of this, an estimated \$250,000 comes from the FY04 Regional removal allowance and \$65,000 comes from the FY05 Regional removal allowance.

Approved: Winston A. Smith Date: 4-4-05

Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_

Winston A. Smith, Director  
Waste Management Division

Attachments (2)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**U.S. ENVIRONMENTAL PROTECTION AGENCY  
\$250,000 EMERGENCY ACTION MEMORANDUM/INITIAL POLLUTION REPORT**

**Date:** June 25, 2004

**Subject:** NOTIFICATION OF \$250,000 ACTIVATION  
J&W Pallet and Drum Co. (Site)  
Atlanta, Fulton County, Georgia 30310

**To:** Regional Response Center, 4WD-ERRB  
GAEPD  
EPA-HQ, Regional Coordinator  
Site File

**From:** Karen Buerki, On-Scene Coordinator  
U.S. EPA Region 4

**Site No:** A4FG      **Task Order No:** 0206-F4-0020  
**ERNS No:** NRC #725818      **TO Amount:** \$200,000  
**NPL Status:** Non-NPL      **Contractor:** WRS Infrastructure and Environment  
**CERCLIS No:** GAD984310797      **Response Authority:** CERCLA  
**State Notification:** 06/22/04      **Start Date:** 06/22/04  
**Demobilization Date:** TBD      **Completion Date:** TBD

## I. INTRODUCTION

On June 22, 2004, Karen Buerki, On-Scene Coordinator (OSC), was dispatched to 1121 Allene Avenue at the request of the Atlanta Fire Department to investigate a discharge of unknown liquid to a storm drain. A removal site evaluation in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300.410, has determined that there is a threat to public health or welfare or the environment posed by the presence of approximately 1000 drums and various containers labeled or hazard categorized as flammable, corrosive, oxidizer, listed hazardous waste, or poison liquids contained in and around a dilapidated warehouse, corroded and unsecured acetylene cylinders, and a discharge of unknown chemicals to a near-by storm drain from the J&W Pallet and Drum Co. Based on the removal site evaluation, the OSC has determined that the Site presents an imminent and substantial endangerment to public health or welfare or the environment and meets the criteria for

initiating a Removal Action under Section 300.415 of the NCP. As a result of Site conditions, immediate action pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), is necessary at the Site.

Pursuant to EPA Region 4 Delegation 14-2. Response, authority to obligate CERCLA funding in the amount of \$250,000 to initiate Removal Actions where site conditions constitute an emergency has been delegated to the OSC. The OSC has approved the use of CERCLA funding to mitigate the threat to public health or welfare or the environment at the J&W Pallet and Drum Co. Site.

## II. BACKGROUND

The Site is located at 1121 Allene Avenue, Atlanta, Fulton County, Georgia. This facility no longer has electrical or water service and the roof has collapsed on top of the drums and other containers inside. There is limited access restriction to the Site. Residential property is within walking distance. Light industrial and heavily-trafficked commercial property surround the Site.

When the facility was operational, it was used for drum recycling. The warehouse is currently full of drums and containers with residual hazardous waste in them. Seven drums have been found to be full, however, due to the condition of the roof and amount of overgrowth in the yard, the exact contents of the warehouse and property cannot be ascertained. The facility has not been operational as a permitted business since 2002, however, soil staining, factory seals, container labels, tote placards on the ground outside the front door and inside the warehouse, with dates as recent as April 2004, indicate unauthorized drum recycling has occurred. Liquid waste has accumulated on the floor and is flowing through the mortar of a blocked-up doorway.

## III. THREAT

Section 300.415 of the NCP lists the factors to be considered in determining the appropriateness of a Removal Action. Paragraphs (b)(2)(iii), (v), (vi), and (vii) directly apply as follows to the conditions at the Site:

- |    |                     |  |
|----|---------------------|--|
| A. | 300.415 (b)(2)(iii) | "Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release" |
|----|---------------------|--|

There are approximately 1000 drums and containers with hazardous substance contents crushed, toppled over, or otherwise deteriorating under a collapsed warehouse roof at this Site. The contents of these containers will continue to release unless action is taken.

- B. 300.415 (b)(2)(v) "Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released"

The collapsed roof allows rain water to wash over the drums and floor and subsequently carrying hazardous substances out to a near-by storm drain.

- C. 300.415 (b)(2)(vi) "Threat of fire or explosion"

Drums containing acids, bases, and oxidizers are commingled with solvents and other organic solutions which are incompatible. At least five acetylene cylinders were found unsecured and beginning to corrode.

- D. 300.415 (b)(2)(vii) "The availability of other appropriate Federal or State response mechanisms to respond to the release"

Georgia Environmental Protection Division is unable financially to address the problems at the Site. Action will not otherwise be provided in a timely basis.

#### IV. SCOPE OF WORK

With the \$250,000 emergency funding, the OSC proposes to:

- A. Establish access to the Site by clearing and grubbing.
- B. Sample containers and perform hazard categorization or obtain analytical data necessary for disposal.
- C. Provide a fence around the facility to prevent unauthorized access.
- D. Over-pack, bulk, wash, or neutralize containers and contents and provide for disposal of the contents and containers.
- E. Return the compressed gas cylinders to the vendors or treat on-site and provide for disposal of the tanks.
- F. Establish access to all of the drums and containers in the warehouse by removing or shoring unstable portions of the roof.
- G. Abate boiler insulation if the analytical indicates asbestos is present.
- H. Sample, excavate, and dispose of contaminated soil and restore the excavated area.

The authorized budget for this Emergency Removal Action is:

START-2	\$ 50,000
ERRS	<u>\$200,000</u>
TOTAL:	\$250,000 <sup>1</sup>

## V. OSC ACTION

On June 22, 2004, the OSC determined that a release or threat of a release of hazardous substances exists at the Site. The OSC authorized \$250,000 to initiate an Emergency Removal Action to mitigate the threat to human health or welfare or the environment. Funding will come from the Regional removal allowance. The OSC issued a Task Order and Technical Direction Document to initiate an Emergency Removal Action.

Because the conditions at the Site meet the conditions set forth in Section 300.415 of the NCP, the OSC has initiated funding of this Removal Action.

  
 Karen Buerki, OSC  
 U.S. EPA Region 4

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Note: Due to the CONFIDENTIAL nature of the material, pages 2 9 0013 -- 2 8 0018 of this document have been withheld. Withheld material is available, for Judicial review only, in the Records Center at EPA Region IV, Atlanta, Georgia.